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MAR 29 2007

DOCKETED COMPLAINT NO. 07-033

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

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AND CERTIFICATION BOARD

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SITTING IN AUSTIN
TRAVIS COUNTY, TEXAS

vs.

JAMES EDWIN RAY, II
AN UNLICENSED PERSON

BE IT REMEMBERED that on the 29th day of January, 2007, a hearing was convened in the above-entitled matter. Petitioner appeared through its Enforcement Attorney. James Edwin Ray, II, having been duly notified of the hearing and of the Statement of Charges against him, appeared in person. Both parties announced ready, and the case proceeded to hearing.

The Administrative Law Judge designated by the Board, having read the allegations set forth in the Statement of Charges and having considered the evidence and arguments presented by the parties, makes the following Findings of Fact and Conclusions of Law and enters the stated Order:

GENERAL DISCUSSION AND STATEMENT OF REASONING

James Edwin Ray, II, formerly held a provisional license issued by the Texas Appraiser Licensing and Certification Board (TALCB). After the expiration date of this license, he performed the real estate appraisals which are the subject of this matter. These were performed on or about December 28, 2005, for real property known as 265 Flaming Oak Drive, Bastrop, Texas; on or about April 16, 2006, for real property known as 20707 Postoak Parkway, Manor, Texas; and on or about August 5, 2006, for real property known as 509 E. 3rd Street, Taylor, Texas. Each of these appraisals was done on behalf of Provident Mortgage, Georgetown, Texas, for use in the evaluation of the properties for a mortgage finance transaction.

In addition to performing the appraisals without a license or certification, James Edwin Ray, II, also included in each of the written appraisal reports a false expiration date for his license and used a license number which indicated that he was a licensed residential appraiser. With the appraisal report for 265 Flaming Oak Drive, Bastrop, Texas, James Edwin Ray, II, included a copy of the provisional license which he formerly held and which had been altered to indicate that he was currently licensed. Because of the seriousness and magnitude of these violations of the law, it is deemed appropriate to impose an administrative penalty in the amount of \$4500.00.

FINDINGS OF FACT

- a) that on or about November 5, 2002, the TALCB issued to James Edwin Ray, II, License No. TX-1331586-P, whereby he became a state provisional licensed real property appraiser;
- b) that James Edwin Ray, II, held the provisional license until its expiration on November 30, 2004;
- c) that since the expiration of the provisional license previously issued to James Edwin Ray, II, he has not been licensed, certified, authorized, or registered by the TALCB in any capacity;
- d) that since 2002, James Edwin Ray, II, has done business under the name Central Texas Appraisal;
- e) that on or about December 28, 2005, at a time when he was not licensed or certified by the TALCB, James Edwin Ray, II, performed an appraisal of real property known as 265 Flaming Oak Drive, Bastrop, Bastrop County, Texas, on behalf of Provident Mortgage, Georgetown, Texas;
- f) that James Edwin Ray, II, submitted a written report of his appraisal to Provident Mortgage for use in the evaluation of the property for a mortgage finance transaction;
- g) that in the written appraisal report, James Edwin Ray, II, used the business name Central Texas Appraisal;
- h) that in the appraisal report signature block, James Edwin Ray, II, indicated that he held License No. TX-1331586-R and that the license expiration date was November 30, 2006, neither of which was a true statement;
- i) that James Edwin Ray, II, performed the appraisal with the expectation of receiving compensation for his services;
- j) that with the written appraisal report for 265 Flaming Oak Drive, Bastrop, Texas, James Edwin Ray, II, submitted to Provident Mortgage a copy of the Texas provisional appraiser license which he had formerly held and which had been altered to make it appear that the expiration date of the license was November 30, 2006;

- k) that on or about April 16, 2006, at a time when he was not licensed or certified by the TALCB, James Edwin Ray, II, performed an appraisal of real property known as 20707 Postoak Parkway, Manor, Travis County, Texas, on behalf of Provident Mortgage, Georgetown, Texas;
- l) that James Edwin Ray, II, submitted a written report of his appraisal to Provident Mortgage for use in the evaluation of the property for a mortgage finance transaction;
- m) that in the written appraisal report, James Edwin Ray, II, used the business name Central Texas Appraisal;
- n) that in the appraisal report signature block, James Edwin Ray, II, indicated that he held License No. TX-1331586-R and that the license expiration date was November 30, 2006, neither of which was a true statement;
- o) that James Edwin Ray, II, performed the appraisal with the expectation of receiving compensation for his services;
- p) that on or about August 5, 2006, at a time when he was not licensed or certified by the TALCB, James Edwin Ray, II, performed an appraisal of real property known as 509 E. 3rd Street, Taylor, Williamson County, Texas, on behalf of Provident Mortgage, Georgetown, Texas;
- q) that James Edwin Ray, II, submitted a written report of his appraisal to Provident Mortgage for use in the evaluation of the property for a mortgage finance transaction;
- r) that in the written appraisal report, James Edwin Ray, II, used the business name Central Texas Appraisal;
- s) that in the appraisal report signature block, James Edwin Ray, II, indicated that he held License No. TX-1331586-R and that the license expiration date was November 30, 2006, neither of which was a true statement;
- t) that James Edwin Ray, II, performed the appraisal with the expectation of receiving compensation for his services.

CONCLUSIONS OF LAW

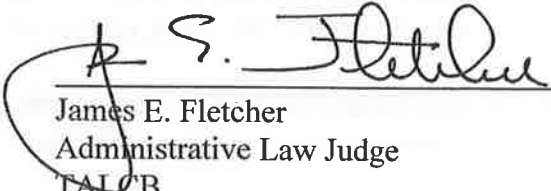
- a) that the evidence in this matter establishes that James Edwin Ray, II, used a title, designation, initials, or other insignia or identification that would mislead the public as to his credentials, qualifications, or competency to perform certified or licensed appraisal services without being certified or licensed by the TALCB in violation of §1103.401 of the Texas Occupations Code;
- b) that pursuant to 22 TAC §153.37(c), a person not licensed or certified by the TALCB who engages in real estate appraisal, appraisal practice, or any appraisal related activity for which a certificate or license is required is liable for administrative penalties;
- c) that performance of each of the appraisals described above for 265 Flaming Oak Drive, Bastrop, Texas; 20707 Postoak Parkway, Manor, Texas; and 509 E. 3rd Street, Taylor, Texas, is considered as a separate violation of §1103.401 of the Texas Occupations Code for the purpose of computing an appropriate administrative penalty.

ORDER

James Edwin Ray, II, 2804 Garden Way, San Marcos, Texas, the former holder of License No. TX-1331586-P, is hereby ordered to pay an administrative penalty to the Texas Appraiser and Licensing Certification Board in the amount of \$4500.00. Any other relief not specifically granted is hereby denied.

IF ENFORCEMENT OF THIS ORDER is restrained or enjoined by an order of a court, this order shall then become effective upon a final determination by said court or appellate court in favor of the Texas Appraiser Licensing and Certification Board.

DATED: March 29, 2007


James E. Fletcher
Administrative Law Judge
TALCB